



FW de Klerk
FOUNDATION

GRACE MUGABE DECISION WELCOMED

The FW de Klerk Foundation welcomes yesterday's decision involving former Zimbabwean first lady, Dr Grace Mugabe, which was handed down by the Gauteng High Court. It is of concern that the decision makes apparent that the government of South Africa lacked the authority to either confer or grant immunity to Mugabe, in a bid to protect her against the allegations of wrongdoing. In doing so, the South African Government failed to protect its own citizen and further undermined the Constitution in unlawfully granting immunity to Mugabe.

As was the case in the Al Bashir matter, the South African government has shown that it lacks the political will and inclination to abide by the Rule of Law when faced with thorny political questions. This failure by the government to abide by the spirit and letter of its own laws, while cynically circumventing due process, chips away at South Africa's foundational values. Yet again, the Judiciary finds itself having to adjudicate a matter in which the Executive has failed in its constitutional obligations.

It remains to be seen whether the relevant South African authorities will, on the strength of the decision, approach their Zimbabwean counterparts. If she is to stand trial, it would become necessary to extradite the former first lady for the allegations of assault which Ms Gabriella Engels levelled against her.

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